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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER II, 2015/2016

UMY1622 MALAYSIAN LEGAL SYSTEM II

(All Sections/ Groups)

10th March 2016

Reading Time: 9.00 am - 9.15am
(15 Minutes)

Answering Time: 9.15 am – 12.15 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Courts of Judicature Act 1964
 - ii. Federal Constitution of Malaysia
 - iii. Criminal Procedure Code
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

- (a) Han Solo, a non violent person, was arrested by a police officer in his house. Han Solo did not put up a struggle but the police officer roughed Han Solo up before handcuffing him. He was then taken to the police station for questioning. During the questioning, Han Solo was not told of his charges. Furthermore, he was tied to his seat and was denied any communication with any other person as the police did not want any interference from outside to aid Han Solo in their case. Han Solo was kept in a lock-up for nine (9) days before being produced before a magistrate.

Advise Han Solo.

(15 Marks)

- (b) While walking home from his Dota Tournament, Leia was stopped by two policemen. He was asked by one of the policemen to show his identity card while the other policeman searched his body. As nothing incriminating was found, the policemen released him.

Discuss under what provisions of the Criminal Procedure Code the police may perform a body search and whether the search conducted was lawful.

(10 Marks)

(Total: 25 Marks)

QUESTION 2

Tan Sri Dato' Sri Haji Mohamed Apandi bin Haji Ali is the current Attorney General of Malaysia. It has been said that he holds one of the most powerful positions in Malaysia. Discuss whether or not you agree or not with the statement. Your answer should be supported with Articles of the Federal Constitution and relevant law cases.

(Total: 25 Marks)

QUESTION 3

The existing provisions in the Federal Constitution and other legislations are adequate to secure the independence of the Judiciary.

Do you agree with the statement above? Discuss.

(Total: 25 Marks)

Continued...

QUESTION 4

- a) Luke has recently been dismissed by his employees without prior notice. He needs legal representation in the court of law to argue his case. However he does not have the financial means to hire a legal representation.

Discuss the eligibility of Luke for Legal Aid from Jabatan Bantuan Guaman.

(10 Marks)

- b) Discuss the procedure for applying for legal aid from Jabatan Bantuan Guaman in Criminal and Civil Proceeding.

(15 Marks)

(Total: 25 marks)

QUESTION 5

Malaysia practices a dual legal system with both Common Law and Syariah Law operating simultaneously. This is provided by the insertion of Clause (1A) into Article 121 of the Federal Constitution. Discuss the conflicts arising from this amendment. Your answer should be illustrated with relevant case laws.

(Total: 25 marks)

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